

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KELLEY TROY COOLEY,	)	
	)	
Petitioner,	)	Case No. 1:10-cv-2-SJM-SPB
	)	
v.	)	
	)	
PENNSYLVANIA BOARD OF ,	)	
PROBATION AND PAROLE, <i>et al.</i> ,	)	
	)	
Respondents.	)	

**MEMORANDUM ORDER**

The instant petition for writ of habeas corpus was received by the Clerk of Court on January 4, 2010 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Report and Recommendation, filed on October 8, 2010 [13], recommends that the motion to dismiss the instant petition for writ of habeas corpus filed by the Erie County District Attorney's office [11] be denied.

The parties were allowed fourteen (14) days from the date of service in which to file objections. Service was made on Petitioner by certified mail at SCI-Pittsburgh, where he is currently incarcerated, and on the Respondents. No objections to the Report and Recommendation have been filed.

After de novo review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 2<sup>nd</sup> Day of November, 2010;

IT IS ORDERED that the motion to dismiss the instant petition for writ of habeas corpus filed by the Erie County District Attorney's Office [11] be, and hereby is, DENIED.

The Report and Recommendation of Magistrate Judge Baxter, filed on October 8, 2010 [13], is adopted as the opinion of the Court.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN  
United States District Judge

Cm: All parties of record.

U.S. Magistrate Judge Susan Paradise Baxter